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In re Application of :
Kurt Hoffman :
Application No.: 10/522690 :
Filing or 371(c) Date: 08/09/2005 : DECISION
Attorney Docket Number: 3581.07US01 : ON PETITION

This is a decision in response to the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, filed October 7, 2008. The petition is properly treated under 37 CFR §1.181(a).

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely/properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed February 11, 2008. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on May 12, 2008. A Notice of Abandonment was mailed September 25, 2008.

Applicant incorrectly notes that this Office mailed Supplemental Notices of Allowance on May 12, 2008 and September 15, 2008; however, Office records reveal that the Notices mailed May 12, 2008 and September 15, 2008 were copies of the Notice of Allowability, mailed February 11, 2008, and not a supplemental Notice of Allowance

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions